Supreme Court, U.S.
FILED
(1)

No. 97 616 JUL - 8 1997

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

THOMAS M. BONANNO --PETITIONER

VS.

U.S. DEPARTMENT OF LABOR --RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

THOMAS M. BONANNO
118 CENTRAL AVENUE
NORWICH, CT 06360-4703
(860) 886-9015

25 pp
14 $10

QUESTION PRESENTED

This Petitioner requests that this Court review as to whether Petitioner's right to petition the Government for a redress of grievances, as provided by the First Amendment of The United States Constitution, was denied.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

Northeast Utilities d/b/a
Northeast Nuclear Energy Co.
P.O. Box 270
Hartford, CT 06141-0270

Stone & Webster Engineering Corp.
245 Summer Street
Boston, MA 02210

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TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

STATUTES AND RULES

OTHER

First Amendment to The Constitution of The United States of America Pg. 3

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW

[X] For a case from federal courts:
The opinion of the United States Court of Apppeals for the Second Circuit appears at Appendix A to the petition and is
[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

[X] For a case from federal courts:

The date on which the United States Court of Appeals for the Second Circuit decided my case was April 9,1997.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals for the Second Circuit on the following date: April 9,1997, and a copy of the order denying rehearing appears at Appendix A.

[ ] An extension of time to file the petition was granted to and including _____ on _____ in Application No. A-_____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional provisions involved in this case are unequivocal. The First Amendment to The United States Constitution states in relevant part;

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise therof; or abridging the freedom of speech, or of the press; or the right of the people peacably to assemble, and to petition the Government for a redress of grievances." (emphasis mine)

STATEMENT OF THE CASE

On February 7, 1997 I filed a Petition For Review with The United States Court of Appeals for the Second Circuit. (See Appendix C).

On March 10, 1997 I forwarded to the same court the appropriate local court forms for filing as requested by the Clerk of the Second Circuit Court of Appeals. (See Appendix C).

On March 24, 1997 the Respondents filed a Motion For Dismissal in the same case. (See Appendix D).

The salience for Respondents' motion was that I, as the Petitioner, did not

file the Local Court Forms in a timely manner.

Although the Clerk of the Second Circuit Court of Appeals had stamped my Petition for Review as received in a timely manner and docketed said case, Respondents' Motion For Dismissal was granted. (See Appendix A).

The most important aspect that I petition this Court to review is the fact that the U.S. Court of Appeals for the Second Circuit granted a Motion against me based upon an unsigned and undated document. (See Appendix A).

This is a most crucial point insofar as Respondents' filing for Motion For Dismissal was predicated upon my supposed

misfiling of the same form.

The fact that a dismissal was granted upon submission of a null and void document cannot be overlooked.

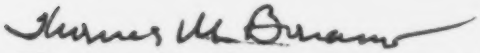
REASONS FOR GRANTING THE PETITION

I hereby request that this Court grant this petition inasmuch as the First Amendment to the Constitution of The United States of America is absolutely jurisdictional and cannot and must not be compromised for any reason at any time. To allow a lower court decision to stand on a null and void document will have a chilling effect, upon this entire nation, in an unbridled fashion.

CONCLUSION

The petition for a writ of certioari should be granted.

Respectfully submitted,



Thomas M. Bonanno
118 Central Avenue
Norwich, CT 06360-4703
(860) 886-9015

October 4th, 1997

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

_____

THOMAS M. BONANNO --PETITIONER

VS.

U.S. DEPARTMENT OF LABOR --RESPONDENTS

PROOF OF SERVICE

I, Thomas M. Bonanno, do swear or declare that on this date, September , 1997, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by United States mail properly addressed to each of them with first-class postage prepaid.

The names and addresses of those served are as follows:

Solicitor General of the U.S.
Room 5614
Dept. of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001

William Stone, Esq.
Room N-2716
U.S. Dept. of Labor
200 Constitution Ave. N.W.
Washington, DC 20210

Duncan R. MacKay, Esq.
Northeast Utilities
P.O. Box 270
Hartford, CT 06141-0270

Michael T. McInerny, Esq.
Stone & Webster Engineering Corp.
245 Summer Street
Boston, MA 02210

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 4th, 1997

Thomas M. Bonanno

APPENDIX A

Local Form for Motions

T 1000
10/91

PAGE 1

United States Court of Appeals
FOR THE SECOND CIRCUIT

Each motion must be accompanied by a supporting affidavit.

UNITED STATES COURT OF APPEALS
FILED
MAR 26 1997
GEORGE LANGE III, CLERK
SECOND CIRCUIT

Bonanno
v.
U.S. Department of Labor

Use short title

97-4030
Docket Number

NOTICE OF MOTION
(state type of motion)

To Dismiss Petition for Review

MOTION BY: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

U.S. Department of Labor
200 Constitution Avenue
Suite N2716
Washington, D.C. 20210

OPPOSING COUNSEL: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

Thomas M. Bonanno
Pro Se
118 Central Avenue
Norwich, CT 06360

Has consent of opposing counsel:

A. been sought?	☐ Yes	☒ No
B. been obtained?	☐ Yes	☒ No
Has service been effected?	☒ Yes	☐ No
Is oral argument desired? *(Substantive motions only)*	☐ Yes	☒ No
Requested return date: *(See Second Circuit Rule 27(b))*	–	
Has argument date of appeal been set:		
A. by scheduling order?	☐ Yes	☒ No
B. by firm date of argument notice?	☐ Yes	☒ No
C. If Yes, enter date:	–	

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below? ☐ Yes ☐ No
(See F.R.A.P. Rule 8)

Would expedited appeal eliminate need for this motion? ☐ Yes ☐ No

If No, explain why not:

Will the parties agree to maintain the status quo until the motion is heard? ☐ Yes ☐ No

Judge or agency whose order is being appealed:

U.S. Department of Labor

Brief statement of the relief requested:

Dismissal of Petition For Review

Complete Page 2 of this Form

By: *(Signature of attorney)*	Appearing for: *(Name of party)*	Appellant or Petitioner: ☐ Plaintiff ☐ Defendant Appellee or Respondent: ☐ Plaintiff ☒ Defendant
Mary J. Rieser	U.S. Dept. of Labor	
Signed name must be printed beneath	Date	

ORDER

Kindly leave this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is granted.

APR - 9 1997
GEORGE LANGE III
SECOND CIR.

119

4/9/97

James L. Oakes, U.S.C.J.
Ralph K. Winter, U.S.C.J.
Milton Pollack U.S.D.J.

APPENDIX B

Administrative Review Board
200 Constitution Avenue, N.W.
Washington, D.C. 20210

In the Matter of:

THOMAS M. BONANNO, ARB CASE NOS. 96-110, 165

COMPLAINANT, ALJ CASE NOS. 95-ERA-54 96-ERA-7

v.

STONE & WEBSTER ENGINEERING CORP., DATE: DEC 12, 1996

AND

NORTHEAST UTILITIES d/b/a NORTHEAST NUCLEAR ENERGY CO. ARB 96-165/96-ERA-7, only)

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD 1/

ORDER OF CONSOLIDATION AND FINAL ORDER OF DISMISSAL

These cases arise under the Energy Reorganization Act of 1974 (ERA) 42

1/ On April 17, 1996, a Secretary's Order was signed delegating jurisdiction

(continued...)

U.S.C. § 5851 (1998 and Supp. IV 1992). In light of the common evidence and issues presented, and in the interest of administrative economy, these cases are hereby CONSOLIDATED for the purpose of decision. *See* Fed. R. Civ. P. 42(a), as made applicable by 29 C.F.R. § 18.1(a) (1996) and Fed. R. App. P. 3(b).

1/ (...continued)
to issue final agency decisions under this statute to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (may 3, 1996). Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order, and regulations under which the Administrative Review Board now issues final decisions. Final procedural

(continued...)

On April 25, 1996 Administrative Law Judge (ALJ) Frank D. Marden issued a Recommended Decision and Order Dismissing Complaint (R. D. O. D.) in 95-ERA-54. On July 12, 1996 ALJ Jeffrey Tureck issued a Recommended Decision and Order (R.D. and O.) of dismissal in 96-ERA-7. Complainant Thomas M. Bonanno (Bonanno) alleges in each of these complaints that his protected activity in 1992 proximately caused retaliatory action against him in the spring of 1995 (95-ERA-54) and again in December of 1995 (96-ERA-7). Each of the ALJs found, in part, that Bonanno failed to show that his 1992 protected activity played any

---

1/ (...continued)
revisions to the regulations implementing this reorganization were also promulgated on that date. 61 Fed. Reg. 19982.

role in the alleged adverse actions. we agree and therefore, dismiss the complaints.

All of Bonanno's allegations relate to his work at Northeast Utilities' Millstone Station (Millstone) nuclear power plant. The only alleged protected activity in either of these cases involves a 1992 safety complaint to the NRC filed by Bonanno. Clearly Bonanno engaged in protected activity in 1992 when he filed this complaint. Just as clearly the filing of that complaint in 1992 played no role in the alleged adverse actions occuring in 1995.

In 95-ERA-54 Bonanno claims that Stone & Webster Engineering, a subcontractor at the Millstone plant, took adverse action against him by not

paying him while attending a training course and by not immediately hiring him after the completion of that course. Further, in 96-ERA-7 Bonanno claims that Respondents took adverse action against him by laying him off in violation of the applicable affirmative action policy for Vietnam-era veterans. These alleged acts of discrimination in the spring and December of 1995 are claimed by Bonanno to have been caused by retaliatory animus stemming from his 1992 protected activity. Bonanno presents no evidence to support his claim that the 1992 protected activity caused the 1995 alleged adverse actions. R. D. O. D. at 6 and R.D. and O. at 3.

In *Shusterman v. EBASCO Services, Inc.*, Case No. 87-ERA-27, Sec. Dec. and Order, Jan 6, 1992, slip op. at 8-9,

aff'd mem., Shusterman v. Secretary of Labor, No. 92-4029 (2d Cir. Sept 24, 1992), the Secretary held that a "four-year interval, without credible evidence to the contrary, establishes the absence of any causal connection between [the protected activity and the adverse action]." In this case the passage of three years, with evidence of lack of animus on the part of the Respondents after the protected activity2/, convinces

---

2/ Subsequent to the filing of the complaint with the NRC in 1992, Bonanno was hired to work at the Millstone plant on five different occasions: from April to approximately December 1992; from July, 1993 to October 1993; from January to May, 1994; from April 3 to June 2, 1995; and from October 23 to December 7,

(continued...)

us that there is no casual connection between the protected activity and the alleged adverse actions.

Accordingly, these consolidated cases are dismissed.

SO ORDERED.

S/ DAVID A. O'BRIEN
Chair

S/ KARL J. SANDSTROM
Member

S/ JOYCE D. MILLER
Alternate Member

2/ (...continued)

1995. R.D. and O. at 2; *See Lastre v. Veterans Administration, Lakeside Hospital,* Case No. 89-TSC-1, Sec. Dec. and Ord., Aug. 21, 1990, slip op. at 5 (under the ERA, even though the assigned

(continued...)

2/ (...continued)

case number indicates otherwise, post-protected activity of receipt of an "outstanding" performance rating and a cash award evinces a lack of discriminatory animus on the part of the employer).

APPENDIX C

Thomas M. Bonanno
118 Central Avenue
Norwich, CT 06360-4703
(860) 886-9015

February 7, 1997

Mr. George Lange III, Clerk
U.S. Court of Appeals
Second Circuit
U.S. Courthouse 40 Foley Square
New York, NY 10007

Re: ARB Case Nos. 96-110, 165
ALJ Case Nos. 96-ERA-54, 96-ERA-7

Dear Sir:

I hereby file a petition for review of the above-mentioned U.S. Department of Labor cases.

Enclosed is a copy of the Administrative Review Board's final order.

Please forward to me any forms and instructions that are necessary to implement this process.

Respectfully,

Thomas M. Bonanno

enclosure (1)

cc: file

( ) APPLICATION FOR ENFORCEMENT
(X) PETITION FOR REVIEW

PRE-ARGUMENT STATEMENT

SEE NOTICE ON REVERSE. PLEASE TYPE OR PRINT. ATTACH ADDITIONAL PAGES IF NECESSARY

TITLE IN FULL

THOMAS M. BONANNO,
PETITIONER
V.
U.S. DEPT. OF LABOR,
ADMIN. REVIEW BOARD.
RESPONDENT

AGENCY DISPOSITION

NAME OF AGENCY:
AGENCY DOCKET NO.: U.S. DOL. - ADMIN. REVIEW BOARD

ORDER NUMBER: ARB, 96-110, 165
DATE ENTERED: 12/17/96
APPROXIMATE NO OF PAGES IN RECORD 3

NUMBER OF EXHIBITS 1
JURISDICTION OF COURT OF APPEALS X USCA ___

HAS THIS MATTER BEEN BEFORE THIS COURT PREVIOUSLY? ( ) YES (X) NO IF YES, STATE:
CASE NAME:
CITATION: DKT NO.:

ATTORNEY(S) FOR NAME ADDRESS TELEPHONE

PETITIONER(S): THOMAS M. BONANNO, PRO SE, 118 CENTRAL AVE. NORWICH CT. 06360 (860) 886-9015

RESPONDENT(S): UNK.

APPEAL TAKEN ( ) AS OF RIGHT ( ) BY DISCRETION - SPECIFY STATUTES UNDER WHICH APPEAL IS TAKEN: _____ USCA

PETITIONER/APPLICANT IS ( ) AGENCY (X) OTHER PARTY ( ) NON-PARTY:
SPECIFY STANDING: PRO SE

FACTS UPON WHICH VENUE IS BASED

NATURE OF ORDER OF WHICH REVIEW OR ENFORCEMENT IS SOUGHT:
( ) ADMINISTRATIVE REGULATION/RULEMAKING
( ) ROUTES
( ) COMMUNICATIONS
( ) COMMERCE
( ) OTHER: (SPECIFY)
( ) BENEFITS REVIEW
( ) HEALTH & SAFETY
( ) IMMIGRATION
( ) TARIFFS
(X) UNFAIR LABOR PRACTICE
(X) EMPLOYER
( ) UNION

CONCISE DESCRIPTION OF PROCEEDINGS BELOW AND ORDER TO BE REVIEWED OR ENFORCED (NOTE THOSE PARTS OF THE ORDER FROM WHICH RELIEF IS SOUGHT): OVERTURN DECISION

ISSUES PROPOSED TO BE RAISED ON PETITION OR APPLICATION.
RELIEF SOUGHT: DECISION MADE IN ERROR

TO YOUR KNOWLEDGE, IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT OR ANY OTHER COURT OR ADMINISTRATIVE AGENCY WHICH

(A. ARISES FROM SUBSTANTIALLY THE SAME CASE OR CONTROVERSY AS THIS APPEAL?
( ) YES (X) NO
(B. INVOLVES AN ISSUE THAT IS SUBSTANTIALLY THE SAME, SIMILAR, OR RELATED TO AN ISSUE IN THIS APPEAL? ( ) YES (X) NO
(IF YES, STATE WHETHER ( ) "A" OR ( ) "B" OR ( ) BOTH AND PROVIDE:

DOCKET, CASE NAME, CITATION — NUMBER — COURT OR AGENCY:

FOR PETITIONER OR APPLICANT

THOMAS M. BONANNO — PRO SE — (860) 886-9015
(PRINT) NAME OF PETITIONER — NAME OF COUNSEL OF RECORD — TELEPHONE

MARCH 10, 1997 — Thomas M. Bonanno
DATE — SIGNATURE OF COUNSEL OF RECORD

Form C-A

8/93

BEST AVAILABLE COPY

Local Rule 27. Motions:

(a) Form of Notice of Motion and Supporting Papers for Motions and Opposition Statements.

(1) Notice of Motion: The moving party shall submit the Notice of Motion in the format approved by the court with such changes as the Chief Judge may from time to time direct.

(2) Supporting Papers for Motions and Opposition Statements:

(a) All motions must be accompanied by an affidavit containing factual information only. Affidavits containing legal argument will be treated as memoranda of law.

(b) Memoranda of law shall not exceed ten typewritten double-spaced 8 1/2 x 11 pages except by permission of the court.

(c) Copy of the lower court or agency decision shall be included as a separately identified exhibit by a moving party seeking substantive relief.

(d) Exhibits attached should be only those necessary for the determination of the motion.

(3) Number of copies: Four copies shall be filed with the original.

(4) Non-compliance Sanctions: If the moving party has not complied with this rule, the motion may be dismissed by the clerk without prejudice to renew upon proper papers. If application is promptly made, the action of the clerk may be reviewed by a single judge. If the responding party fails to comply with this rule, the court may refuse to hear that party at oral argument. The court may impose costs and an appropriate fine against either party for failure to comply with this rule.

* * * * *

Federal Rules of Appellate Procedure

Rule 27(d). Form of papers; number of copies. All papers relating to motions may be typewritten. Three copies* shall be filed with the original, but the court may require that additional copies be furnished.

* (Note: Local Rule 27 (3) supercedes and requires four copies.)

BEST AVAILABLE COPY

Docket No. _____

United States Court of Appeals
FOR THE SECOND CIRCUIT

THOMAS M. BONANNO
PETITIONER

V.

U.S. DEPT. OF LABOR
ADMINISTRATIVE REVIEW BOARD
RESPONDENT,

NOTICE OF MOTION

Attorney(s) for Petitioner
Office & Post Office Address & Telephone Number

THOMAS M. BONANNO
118 CENTRAL AVENUE
NEWINGTON, CT 06300-4703
(860) 666-6015

6/95

United States Court of Appeals
FOR THE SECOND CIRCUIT

Each motion must be accompanied b
a supporting affidavit (Local Rule 27(

THOMAS M. BONANNO, PETITIONER

V.

U.S. DOL, ARB, RESPONDENT

Use short title

Docket Number

NOTICE OF MOTION

state type of motion

for PETITION FOR REVIEW

MOTION BY: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

OPPOSING COUNSEL: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

Has consent of opposing counsel:
- A. been sought? ☐ Yes ☒ No
- B. been obtained? ☐ Yes ☒ No

Has service been effected? ☒ Yes ☐ No

Is oral argument desired? (IF PERMISSIBLE) ☒ Yes ☐ No
(Substantive motions only)

Requested return date:
(See Second Circuit Rule 27(b)) A.S.A.P. –

Has argument date of appeal been set:
- A. by scheduling order? ☐ Yes ☒ No
- B. by firm date of argument notice? ☐ Yes ☒ No
- C. If Yes, enter date: _____

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below? ☒ Yes ☐ No
(See F.R.A.P. Rule 8)

Would expedited appeal eliminate need for this motion? ☒ Yes ☐ No

If No, explain why not:

Will the parties agree to maintain the status quo until the motion is heard? ☒ Yes ☐ No

Judge or agency whose order is being appealed:

U.S. DEPT. of LABOR, ADMINISTRATIVE REVIEW BOARD

Brief statement of the relief requested:

OVERTURN DECISION

Complete Page 2 of this Form

By: *(Signature of attorney)*

Thomas M. Bonanno

Signed name must be printed beneath

THOMAS M. BONANNO

Appearing for: *(Name of party)*

3/10/97 PRO SE

Date

3/10/97

Appellant or Petitioner:
☒ Plaintiff ☐ Defendant

Appellee or Respondent:
☐ Plaintiff ☐ Defendant

ORDER

Kindly leave this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is granted denied

_____

_____

_____ _____ _____

Date Circuit Judge

FPI-RBK

Previous requests for similar relief and disposition:

NONE

Statement of the issue(s) presented by this motion:

PETITION FOR REVIEW

Brief statement of the facts *(with page references to the moving papers)*:

FINAL DISMISSAL ORDER WAS MADE IN ERROR.
(pp. 2, 3)

Summary of the argument *(with page references to the moving papers)*:

THAT ORDER BE REVERSED AND DECISION OVERTURNED.
(pp. 2, 3)

APPENDIX D

Local Form for Motions

T 1000
10/91

United States Court of Appeals
FOR THE SECOND CIRCUIT

Each motion must be accompanied by a supporting affidavit.

Bonanno
v.
U.S. Department of Labor
Use short title

97-4030
Docket Number

NOTICE OF MOTION

state type of motion
for Dismiss Petition for Revie

MOTION BY: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

U.S. Department of Labor
200 Constitution Avenue
Suite N2716
Washington, D.C. 20210

OPPOSING COUNSEL: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

Thomas M. Bonanno
Pro Se
118 Central Avenue
Norwich, CT 06360

Has consent of opposing counsel:
A. been sought? ☐ Yes ☒ No
B. been obtained? ☐ Yes ☒ No
Has service been effected? ☒ Yes ☐ No
Is oral argument desired? ☐ Yes ☒ No
(Substantive motions only)
Requested return date:
(See Second Circuit Rule 27(b))
Has argument date of appeal been set:
A. by scheduling order? ☐ Yes ☒ No
B. by firm date of argument notice? ☐ Yes ☒ No
C. If Yes, enter date: _____

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below? ☐ Yes ☐ No
(See F.R.A.P. Rule 8)
Would expedited appeal eliminate need for this motion? ☐ Yes ☐ No
If No, explain why not:

Will the parties agree to maintain the status quo until the motion is heard? ☐ Yes ☐ No

Judge or agency whose order is being appealed:
U.S. Department of Labor

Brief statement of the relief requested:
Dismissal of Petition For Review

Complete Page 2 of this Form

By: *(Signature of attorney)*
Mary J. Rieser
Signed name must be printed beneath

Appearing for: *(Name of party)*
U.S. Dept. of Labor
Date

Appellant or Petitioner:
☐ Plaintiff ☐ Defendant
Appellee or Respondent:
☐ Plaintiff ☒ Defendant

Kindly leave this space blank

ORDER

IT IS HEREBY ORDERED that the motion be and it hereby is **granted** **denied**

119

_____
Date

_____
Circuit Judge

Previous requests for similar relief and disposition:

None

Statement of the issue(s) presented by this motion:

Whether the Court should dismiss the petition for review as untimely.

Brief statement of the facts *(with page references to the moving papers)*:

Petition for Review was filed out of time see pg. 3.

Summary of the argument *(with page references to the moving papers)*:

Petition for Review should be dismissed as untimely filed under the 60 day statutory requirement. See page 3-4.